GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – M.A. & U.D. Department - Sri S.A. Khadar Saheb, former Municipal Commissioner, Mandapeta Municipality, East Godavari District - Disciplinary Proceedings instituted under Rule-20 of A.P.Civil Services (Classification, Control & Appeal) Rules, 1991 – Enquiry conducted – O.A.No.3650 of 2014 filed by Sri S.A.Khadar Saheb, former Municipal Commissioner – Judgement dated 11.07.2014 in O.A.No.3650/2014 – Writ Appeal No.35593 of 2014 filed by the Government against the Orders of Hon'ble APAT dated 11.07.2014 in O.A.No.3650/2014 – Dismissed the W.P. – Implementation of the Orders of Hon'ble APAT., Hyderabad dated 11.07.2014 in O.A.No.3650 of 2014 - Further action dropped - Orders - Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.1) DEPARTMENT

G.O.RT.No. 829 **Dated: 28-11-2017.**

Read the following:-

1. From the Director General, Anti Corruption Bureau, Hyderabad, Final Report in C.No.252/RCO-RJY/2005, dated 20.01.2009.
2. G.O.Rt.No.1072, M.A. & U.D. (Vig.I)Dept.,dated30.07.2009.
3. From Sri S.A.Khadar Saheb, Written Statement of Defence dated 01.07.2010 received through letter Roc.No.4206/ 2006/E2, dated 08.07.2010 of the Commissioner & Director of Municipal Administration, A.P., Hyderabad.
4. G.O.Rt.No.950, MA & UD (Vig.I) Dept., dated 03.08.2011.
5. G.O.Rt.No.602, MA & UD (Vig.I) Department, dated 28.05.2014 read with G.O.Rt.No.632, MA&UD (Vig.I) Dept., dated 03.07.2014.
6. From the Hon'ble APAT., Hyderabad, Ordres dated 11.07.2014 in O.A.No.3650 of 2014 filed by Sri S.A.Khader Saheb, former Municipal Commissioner.
7. G.O.Rt.No.512, MA & UD (Vig.I) Department, dated 10.08.2016.
8. From the Hon'ble High Court of A.P., Hyderabad, Orders dated 19.07.2017 in W.P.No.35593 of 2014 filed by the Government.

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ORDER:

Whereas, in the reference 1st read above, the Director General, Anti Corruption Bureau, Hyderabad has reported that, a surprise check has been conducted in the office of Mandapeta Municipality, East Godavari District on 30.11.2005 and found that the officials of Mandapeta Municipality had withdrawn Government funds as an advance towards execution of certain works of Municipality and they have not been accounted for / adjusted and that there is a prima-facie evidence in the said allegations, a case has been registered by the ACB authorities against the A.O. Sri P.Subrahmanyeswara Rao, Assistant Engineer and (10) others including Sri S.A.Khader Saheb, former Municipal Commissioner. The Director General, Anti Corruption Bureau has recommended to initiate departmental action against the said Accused Officers.

2. Whereas, in the G.O. 2nd read above, Government have initiated Disciplinary Proceedings under Rule-20 of A.P. Civil Services (Classification, Control & Appeal) Rules, 1991 against the Accused Officer Sri S.A.Khader Saheb, former Municipal Commissioner, Mandapeta Municipality and directed him to submit his written statement of defence.

3. In the reference 3rd read above, Sri S.A. Khadar Saheb, former Municipal Commissioner, Mandapeta Municipality has submitted his Written Statement of Defence, denying all the charges framed against him and requested to drop further action against him.

4. In the G.O. 4th read above, orders were issued, appointing Sri M. Rajeswara Rao, Additional Commissioner, GHMC, Hyderabad as Enquiry Officer to enquire into the charges framed against the said Charged Officers and to submit the Enquiry Report within two months.

(P.T.O.)

5. Whereas, in the reference 5th read above, Government have appointed Sri Alok Srivastava, IPS (Retd.), Commissioner of Inquiries as Inquiring Authority in place of Sri M. Rajeswara Rao, Additional Commissioner, GHMC, Hyderabad, as he had not conducted the Enquiry, as per the instructions issued in A.P. Civil Services (Classification, Control & Appeal) Rules, 1991 and also as per Enquiry Office manual.

6. Aggrieved by the Government Orders, Sri S.A. Khadar Saheb, former Municipal Commissioner, Mandapeta Municipality has approached the Hon'ble APAT by filing O.A.No.3650 of 2014.

7. In the reference 6th read above, while setting aside the Government Orders, the Hon'ble APAT in its order dated 11.07.2014 in O.A.No.3650 of 2014 directed the Respondents to sanction and release the entire pension and pensionary benefits to the applicant.

8. The matter has been examined in detail and it has been decided to file a Writ Petition against the Orders of APAT., Hyderabad dated 11.07.2014 in O.A.No.3650 of 2014 and accordingly W.P.No.35593 of 2014 was filed before the Hon'ble High Court of A.P.

9. In the G.O.7th read above, orders were issued, appointing Dr. Prem Chand, IAS (Retd.), Commissioner of Inquiries as Inquiring Authority in place of Sri Alok Srivatsava, IPS (Retd.), as he was allocated to Telangana State, for conducting departmental inquiry into the charges framed against the said Charged Officers and directed to submit the Enquiry Report.

10. In the reference 8th read above, the Hon'ble High Court of A.P., Hyderabad in its Orders dated 19.07.2017 in W.P.No.35593 of 2014 confirmed the Hon'ble APAT orders dated 11.07.2014 in O.A.No.3650 of 2014 and dismissed the Writ Petition. The Hon'ble High Court of A.P., directed the petitioners to implement the impugned order of the Tribunal within six weeks from the date of receipt of the order.

11. Government after careful examination of the matter, has decided to implement the orders of Hon'ble APAT dt:11.07.2014 in O.A.No.3650 of 2014 as confirmed by the Hon'ble High Court in its Orders dated 19.07.2017 in W.P.No.35593 of 2014.

12. Accordingly, Government hereby drop further action against Sri S.A. Khadar Saheb, former Municipal Commissioner, Mandapeta Municipality, East Godavari District.

13. The Director of Municipal Administration, AP, Guntur shall take further necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R. KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri S.A. Khadar Saheb, former Municipal Commissioner, Mandapeta Municipality, East Godavari District through the Director of Municipal Administration., A.P., Guntur.
The Director of Municipal Administration, A.P., Guntur.

Copy to:
The Director General, Anti Corruption Bureau, A.P., Vijayawada.
The Director General, G.A.(V&E) Dept.
The Secretary to APVC, AP Secretariat, 5th Block.
The General Administration (COI-PC) Dept.
The Govt. Pleader for MA & UD, APAT., Hyderabad.
The Govt. Pleader for Services-II, A.P.High Court, Hyderabad.
SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER